

FILED
JUN - 7 2017
PER
DEPUTY CLERK

UNITED STATES DISTRICT COURT
for the

Andrew William Pankotai
Petitioner

v.

Bruce Kovach, NCP Warden
Respondent
(name of warden or authorized person having custody of petitioner)

4 CV 17- 991

Case No.

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Andrew William Pankotai
 - (b) Other names you have used: _____
 2. Place of confinement:
 - (a) Name of institution: Northumberland Co. Prison (SCI @ Coal Township)
 - (b) Address: c/o One Kelly Drive
Coal Township, Pennsylvania [near 17860]
 - (c) Your identification number: (DOC # MX-7158)
 3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
PA Board of Ration & Parole and County Courthouses
 4. Are you currently:
 - A pretrial detainee (waiting for trial on criminal charges)
 - Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
 If you are currently serving a sentence, provide:
 - (a) Name and location of court that sentenced you: Montour County Courthouse
29 Mill Street, Danville, Pennsylvania 17821
 - (b) Docket number of criminal case: CP-47-CR-0000062-2014
CP-47-CR-0000063-2014
 - (c) Date of sentencing: May 19th, 2017
- Being held on an immigration charge
- Other (explain): Montour County Courts violated my unalienable rights, Constitutional Article the eighth [amendment VI], Due Process of Law, and Jurisdictional challenges...

Decision or Action You Are Challenging

5. What are you challenging in this petition:

How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

Pretrial detention

Immigration detention

Detainer

The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

Disciplinary proceedings

Other (explain): *Violation(s) of unalienable Rights, Lack of subject Jurisdiction. My status as a non-citizen national and non-resident alien status on a W-2-BEN filed with IRS.*

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: *Montour County Courthouse
29 Mill Street, Danville, Pennsylvania 17821*

(b) Docket number, case number, or opinion number: *CP-4T-CR-000062-2014
CP-4T-CR-000063-2014*

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

I Argue jurisdiction over the "subject" or "person". The Courts lack jurisdiction and Courts deny hearing petition. Denied my right to a trial, denied my right to full disclosure of discovery and rushed sentence.

(d) Date of the decision or action: *May 19th, 2017*

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes

No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: *Montour County Courthouse*

29 Mill Street, Danville, Pennsylvania 17821

(2) Date of filing: *May 05th, 2017*

(3) Docket number, case number, or opinion number: *# 62-2014 & # 63-2014*

(4) Result: *Rejected and Denied without consideration*

(5) Date of result: *May 19th, 2017*

(6) Issues raised: *Lack of Jurisdiction, Status correction, not a US citizen, violation of unalienable rights, Jurisdiction was not proved on record, failed to produce bond(s) to this account as per my full disclosure of discovery, and*

raised issues of my due process rights being withheld.
The Courts must follow the Constitution for the United States
of America in regards to my inherent Rights.

- (b) If you answered "No," explain why you did not appeal:

n/a

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes No

- (a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

n/a

- (b) If you answered "No," explain why you did not file a second appeal:

I believe that

certain issues being raised warrant an immediate
action of the Habeas Corpus (mⁱlitimus) documents showing the
judges full judicial powers

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

- (a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

n/a

- (b) If you answered "No," explain why you did not file a third appeal:

Same answer as second appeal...

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

- (a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

n/a

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

n/a

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

n/a

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

- Yes No

If "Yes," provide:

(a) Date you were taken into immigration custody:

(b) Date of the removal or reinstatement order:

(c) Did you file an appeal with the Board of Immigration Appeals?

- Yes No

If "Yes," provide:

(1) Date of filing:

(2) Case number:

(3) Result:

(4) Date of result:

(5) Issues raised:

n/a

- (d) Did you appeal the decision to the United States Court of Appeals?

- Yes No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

n/a

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- (4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

n/a

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

n/a

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: This courts lacks Jurisdiction, the court cannot proceed. This courts must prove on record, not assume Jurisdiction. Melo v. US, 505 F2d 1020. The Law requires jurisdiction to be proved. Hagans v. Lavine, 415 U.S. 533.

(a) Supporting facts (Be brief. Do not cite cases or law.): [see attached for continue facts]

I made known on the court record that I am challenging jurisdiction. That this court cannot proceed when it clearly appears that the court lacks jurisdiction. I filed on record a Jurisdictional Challenge motion and Writ of Habeas Corpus which were overlooked and in whole denied without regards to case law and Rights...

(b) Did you present Ground One in all appeals that were available to you?

Yes

No

GROUND TWO: Bills of Rights, Article eighth (8th) [Amendment VI] clearly states that the accused shall enjoy the right to a speedy and public trial.

(a) Supporting facts (Be brief. Do not cite cases or law.): [see attached for continue facts]

I stated on the court record May 19th, 2017 that I was exercising my right to a jury of my peers which the judge admittedly denied and moved quickly to sentencing. The courts scheduled a bench warrant hearing only on the 19th of May and never notified me of said hearing until the same day they came and transported me. I asked for sentencing/bench warrant hearing to be...

(b) Did you present Ground Two in all appeals that were available to you?

Yes

No

GROUND THREE: Violations of my unalienable Rights and Due Process of Law...

(a) Supporting facts (Be brief. Do not cite cases or law.):

Failure to give full disclosure of sentencing hearing ever being scheduled! Only notice received was for a Bench Warrant Hearing! Never planned to address pending motions, petitions, and notices on record. Did not answer any questions from me, and lastly the judge disregarded the Law from "His" courtroom. He made his own ruling as he went along.

(b) Did you present Ground Three in all appeals that were available to you?

Yes

No

(a) SUPPORTING FACTS CONTINUED (GROUND ONE)

... I made it known that jurisdiction can be challenged at anytime and with Courts disregarding the jurisdictional challenge and not clearly stating on the record just assuming they had jurisdiction shows that they had absolutely no jurisdiction and case must be dismissed.

(a) SUPPORTING FACTS CONTINUED (GROUND TWO)

... continued since representation of defendant changed, withdraw of guilty plea was properly requested exercising my Right to a jury trial, Motion for the Challenge of Jurisdiction and Writ of Habeas Corpus filed on the court record left unanswered and improper notification were given to the parties involved, and failure to give any notice at all of sentencing.

GROUND FOUR:

n/a

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

n/a

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did

not: *The courts and the district attorney withheld full disclosure of evidence from me as they failed to provide a bond/ bonds to me as well as statement of claim/ offense under penalty of perjury.*

Request for Relief

15. State exactly what you want the court to do:

I did not consent to this matter. I am here in special appearance to challenge jurisdiction and to have this matter dismissed. This court has proven that it lacks jurisdiction by rejecting it and moving on without proving the several elements on the record beyond a reasonable doubt. I demand for immediate release from custody and dismissal of all charges.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

06/01/2017

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

"All Rights Reserved"

Date: 06/01/17

Dakewilliam Spadolice
(without recourse) Signature of Petitioner LCC1-308
Non-Citizen National / Non-Resident Alien

N/A
Signature of Attorney or other authorized person, if any

Andrew William Panikota : con
[DOC # MX-1158]
10 One Kelly Drive
Coal Township, Pennsylvania [near]

INMATE MAIL
PA DEPT OF
CORRECTIONS

10 One Kelly Drive
Coal Township, Pennsylvania [near]



United States District Court
Middle District of Pennsylvania
U.S. Courthouse and Federal Office Building
240 West Third Street, Suite 218
Williamsport, Pennsylvania 17701

"Inmate Mail - PA DEPT. OF CORRECTIONS"